

IC 5-10-10

Chapter 10. Special Death Benefit Fund

IC 5-10-10-1

Board defined

Sec. 1. As used in this chapter, "board" refers to the board of trustees of the public employees' retirement fund.

As added by P.L.44-1988, SEC.1.

IC 5-10-10-1.5

Correctional officer defined

Sec. 1.5. As used in this chapter, "correctional officer" includes:

- (1) a county jail officer under IC 11-12-4-4;
- (2) a person who has received a correctional officer training certificate under IC 11-8-2-8;
- (3) a prison matron or an assistant prison matron under IC 36-8-10-5; and
- (4) any other person whose duties include the daily or ongoing supervision and care of persons who are lawfully detained (as defined in IC 35-41-1-18) in a facility operated by the state or a political subdivision of the state.

As added by P.L.42-1991, SEC.1.

IC 5-10-10-2

Dies in the line of duty defined

Sec. 2. As used in this chapter, "dies in the line of duty" refers to a death that occurs as a direct result of personal injury or illness resulting from any action that the public safety officer, in the public safety officer's capacity as a public safety officer, is obligated or authorized by rule, regulation, condition of employment or service, or law to perform in the course of controlling or reducing crime or enforcing the criminal law. For purposes of a public safety officer who is an employee (as defined in IC 5-10-13-2), the term includes a death presumed incurred in the line of duty under IC 5-10-13.

As added by P.L.44-1988, SEC.1. Amended by P.L.52-1993, SEC.1; P.L.185-2002, SEC.2.

IC 5-10-10-3

Fund defined

Sec. 3. As used in this chapter, "fund" refers to the special death benefit fund.

As added by P.L.44-1988, SEC.1.

IC 5-10-10-4

Public safety officer defined

Sec. 4. As used in this chapter, "public safety officer" means any of the following:

- (1) A state police officer.
- (2) A county sheriff.
- (3) A county police officer.

- (4) A correctional officer.
- (5) An excise police officer.
- (6) A county police reserve officer.
- (7) A city police reserve officer.
- (8) A conservation enforcement officer.
- (9) A town marshal.
- (10) A deputy town marshal.
- (11) A probation officer.
- (12) A state university police officer appointed under IC 20-12-3.5.
- (13) An emergency medical services provider (as defined in IC 16-41-10-1) who is:
 - (A) employed by a political subdivision (as defined in IC 36-1-2-13); and
 - (B) not eligible for a special death benefit under IC 36-8-6-20, IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.

As added by P.L.44-1988, SEC.1. Amended by P.L.42-1991, SEC.2; P.L.52-1993, SEC.2; P.L.66-2000, SEC.1; P.L.246-2001, SEC.1.

IC 5-10-10-5

Establishment of fund; source of funding; administration; investments; reversion

Sec. 5. (a) The special death benefit fund is established for the purpose of paying lump sum death benefits under section 6 of this chapter. The fund consists of the fees remitted to the auditor of state under IC 35-33-8-3.2. The fund shall be administered by the board. The expenses of administering the fund shall be paid from money in the fund.

(b) The board shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as the board's other funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.44-1988, SEC.1. Amended by P.L.1-1990, SEC.58; P.L.107-1998, SEC.1.

IC 5-10-10-6

Special death benefits; suspension of payment

Sec. 6. (a) Except as provided in subsection (b), a special death benefit of seventy-five thousand dollars (\$75,000) for a public safety officer who dies in the line of duty before January 1, 1998, and one hundred fifty thousand dollars (\$150,000) for a public safety officer who dies in the line of duty after December 31, 1997, shall be paid in a lump sum from the fund to the following relative of a public safety officer who dies in the line of duty:

- (1) To the surviving spouse.
- (2) If there is no surviving spouse, to the surviving children (to be shared equally).
- (3) If there is no surviving spouse and there are no surviving children, to the parent or parents in equal shares.

(b) If the fund would be reduced below two hundred fifty thousand dollars (\$250,000) by payment in full of all claims that become final in any month, the board shall proceed as follows:

(1) The board shall suspend payment of the claims that become final during that month and the following two (2) months.

(2) At the end of the suspension period, the board shall pay all suspended claims. If the fund would be exhausted by payment in full of all suspended claims, the amount paid to each claimant shall be prorated.

As added by P.L.44-1988, SEC.1. Amended by P.L.42-1991, SEC.3; P.L.53-1993, SEC.1; P.L.49-1998, SEC.1.

IC 5-10-10-7

Other benefits; effect

Sec. 7. The special death benefit provided by this chapter is in addition to any other benefits provided by state or federal law.

As added by P.L.44-1988, SEC.1.